

REMARKS

Applicants and their representatives thank Examiner Bunner for the courtesy extended during a December 16, 2005 telephone interview. Amendments and new claims as now presented were discussed at the interview.

Applicants have canceled claims 4-6 and 17 and added new claims 31-35. Support for the new claims is found in the specification, e.g., at page 16, lines 15-18 (autoimmune diseases, hypertension, renal disorders, and inflammation); and page 28, line 24 to page 32, line 31 (systemic lupus erythematosus). Upon entry of this Amendment, claims 1, 11, 12, and 22-35 are pending. The description of Figure 2 has been amended as suggested by the Examiner. The amendments do not introduce any new matter.

Pursuant to 35 C.F.R. § 1.116, the proposed amendments (1) do not raise new issues or necessitate additional searches and (2) place the application in better form for allowance or appeal. New claims 31-35 are presented in place of canceled claims 4-6 and 17, as discussed and agreed to by the Examiner at the December 16, 2005 interview.

Double Patenting

Subject to resolution of all other rejections, Applicants request withdrawal of the provisional obviousness-type double patenting rejection over later-filed application No. 10/115,192. M.P.E.P. § 1504.06. Applicants will address the double patenting issue raised by the Examiner in the later-filed application, should the rejection be made in that application.

Enablement

Claims 4-6, 11-12, 17, 22, and 24-28 were rejected based on 35 U.S.C. §112, ¶1, for lack of enablement. The Examiner has acknowledged that claims 1, 7, 23, 29, and 30 are enabled. Office Action, at 4-5. New claims 32-35 are enabled because they further limit claim 1. The new claims merely further characterize the condition of the mammal recited claim 1 to whom a given composition is administered. New claim 31 is drawn to a method of treating systemic lupus erythematosus, which the Examiner has also previously acknowledged to be enabled. Id.

Claims 4-6 and 17 have been canceled, and references to 95% identity in claim 11 have been deleted without prejudice. Accordingly, claims 11 and dependent claims 12, 22, and 24-28 are believed to be in compliance with 35 U.S.C. § 112, ¶1.

Conclusion

In view of the foregoing amendments, all outstanding rejections are moot. The Examiner is welcome to call the undersigned Applicants' representative with any questions or concerns.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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